

# Senate Study Bill 1232 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON DEARDEN)

## A BILL FOR

1 An Act related to the liability of a land holder for the public  
2 use of private lands and waters.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 461C.1, Code 2013, is amended to read as  
2 follows:

3 **461C.1 Purpose.**

4 The purpose of this chapter is to encourage private ~~owners~~  
5 holders of land to make land and water areas available to the  
6 public for recreational purposes and for urban deer control  
7 by limiting ~~an owner's~~ a holder's liability toward persons  
8 entering onto the ~~owner's~~ holder's property for such purposes.  
9 The provisions of this chapter shall be construed liberally and  
10 broadly in favor of private holders of land to accomplish the  
11 purposes of this chapter.

12 Sec. 2. Section 461C.2, subsections 3 and 5, Code 2013, are  
13 amended to read as follows:

14 3. "Land" means private land located in a municipality  
15 including abandoned or inactive surface mines, ~~;~~ caves, and;  
16 land used for agricultural purposes, ~~including;~~ marshlands,  
17 timber, and grasslands; and the privately owned roads,  
18 water paths, trails, waters, water courses, private ways  
19 and exteriors and interiors of buildings, structures, and  
20 machinery, or equipment appurtenant thereto located on such  
21 land. "Land" includes land that is not open to the general  
22 public.

23 5. "Recreational purpose" means any activity undertaken  
24 for recreation, sport, exercise, education, relaxation, or  
25 pleasure, including but not limited to the following or any  
26 combination thereof: Hunting, trapping, horseback riding,  
27 fishing, swimming, boating, camping, picnicking, hiking,  
28 pleasure driving, motorcycling, all-terrain vehicle riding,  
29 nature study, water skiing, snowmobiling, ~~other summer~~  
30 ~~and winter~~ sports or games, and agricultural tours, and  
31 viewing or enjoying historical, archaeological, scenic, or  
32 scientific sites while going to and from or actually engaged  
33 therein. "Recreational purpose" includes the activity of  
34 accompanying another person who is engaging in such activities.  
35 "Recreational purpose" is not limited to active engagement in

1 such activities, but also includes entry onto, use of, passage  
2 over, and presence on any part of the land in connection with  
3 such activities.

4 Sec. 3. Section 461C.3, Code 2013, is amended to read as  
5 follows:

6 **461C.3 Liability of ~~owner~~ holder limited.**

7 1. Except as specifically recognized by or provided in  
8 section 461C.6, an ~~owner~~ a holder of land ~~owes no~~ does not  
9 owe a duty of care to keep the premises safe for entry or use  
10 by others for recreational purposes or urban deer control, or  
11 to give any warning of a dangerous condition, use, structure,  
12 or activity on such premises to persons entering for such  
13 purposes.

14 2. Except as specifically recognized or provided in section  
15 461C.6, a holder of land does not owe a duty of care to others  
16 because the holder is guiding, directing, supervising, or  
17 participating in any recreational purpose or urban deer control  
18 undertaken by others on the holder's land.

19 Sec. 4. Section 461C.4, Code 2013, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 2A. Assume a duty of care to a person  
22 because the holder is guiding, directing, supervising, or  
23 participating in any recreational purpose or urban deer control  
24 undertaken by the person on the holder's land.

25 Sec. 5. Section 461C.5, Code 2013, is amended to read as  
26 follows:

27 **461C.5 Duties and liabilities of ~~owner~~ holder of leased land.**

28 Unless otherwise agreed in writing, the provisions of  
29 sections 461C.3 and 461C.4 shall be deemed applicable to the  
30 duties and liability of ~~an owner~~ a holder of land leased,  
31 or any interest or right therein transferred to, or the  
32 subject of any agreement with, the United States or any agency  
33 thereof, or the state or any agency or subdivision thereof, for  
34 recreational purposes or urban deer control.

35 Sec. 6. Section 461C.6, Code 2013, is amended to read as

1 follows:

2     **461C.6 When liability lies against owner holder.**

3     Nothing in this chapter limits in any way any liability which  
4 otherwise exists:

5     1. For willful or malicious failure to guard or warn against  
6 a dangerous condition, use, structure, or activity.

7     2. For injury suffered in any case where the owner holder of  
8 land charges the person or persons who enter or go on the land  
9 for the recreational use thereof or for deer hunting, except  
10 that in the case of land or any interest or right therein,  
11 leased or transferred to, or the subject of any agreement  
12 with, the United States or any agency thereof or the state or  
13 any agency thereof or subdivision thereof, any consideration  
14 received by the holder for such lease, interest, right or  
15 agreement shall not be deemed a charge within the meaning of  
16 this section.

17                                   EXPLANATION

18     This bill relates to the public use of certain private  
19 lands and waters. The bill provides that Code chapter 461C  
20 shall be liberally and broadly construed in favor of private  
21 holders of land to encourage them to make their land and water  
22 areas available to the public for recreational purposes and for  
23 urban deer control, by limiting the land holders' liability to  
24 persons who enter onto their land to pursue such activities.

25     The bill broadens the definition of what land and water areas  
26 are included in such limitations of liability and provides that  
27 such land does not have to be open to the general public to be  
28 subject to the protections of Code chapter 461C.

29     The bill also broadens the definition of what activities  
30 constitute a "recreational purpose" by specifying additional  
31 activities that are included and providing that the Code  
32 chapter's protections are not limited to the activities listed.  
33 In addition, the bill provides that a person engages in a  
34 recreational purpose by accompanying another person who is  
35 engaged in a recreational purpose. "Recreational purpose" is

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1 not limited to active engagement in the activities but also  
2 includes entry onto, use of, passage over, and presence on any  
3 part of the land in connection with such activities.

4     The bill provides that a holder of land does not owe or  
5 assume a duty of care to others because the holder is guiding,  
6 directing, supervising, or participating in any recreational  
7 purpose or urban deer control undertaken by others on the  
8 holder's land.